

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO  1437 Bannock Street Denver, CO 80202		
THE PEOPLE OF THE STATE OF COLORADO,  Plaintiff,  v.  VANCE W. BAIN                      D.O.B.    12/8/73 S.S.N.    523-15-4705  FREDDA A. POWELL                D.O.B.    1/25/74 S.S.N.    524-19-2712  FREDERICK N. POWELL JR.      D.O.B.    7/3/75 S.S.N.    524-19-0951  ROBERT "BUBBA" PALMER      D.O.B.    4/22/74 S.S.N.    521-33-7000  RICHARD HEILMAN                D.O.B.    12/26/78 S.S.N.    521-25-3953  Defendants.		▲ <b>COURT USE ONLY</b> ▲
JOHN W. SUTHERS, Attorney General TERRENCE A. GILLESPIE, Senior Assistant Attorney General* 1525 Sherman Street, 5 <sup>th</sup> Floor Denver, CO 80203 (303) 866-5773 Registration Number: 9579 *Counsel of Record		Case No.: 05CR9001  Cttrm.: 6
<b>INDICTMENT</b>		

COUNT 1:                      THEFT RECEIVING § 18-4-410 C.R.S. (Class 4 Felony)  
(Bain, Powell Jr.)

- COUNT 2: FIRST DEGREE AGGRAVATED MOTOR VEHICLE  
THEFT § 18-4-409 C.R.S. (Class 4 Felony) (Bain and Powell  
Jr.)
- COUNT 3: THEFT RECEIVING § 18-4-410 C.R.S. (Class 3 Felony)  
(Powell Jr.)
- COUNT 4: FIRST DEGREE AGGRAVATED MOTOR VEHICLE  
THEFT § 18-4-409 C.R.S. (Class 3 Felony)  
(Bain and Powell Jr.)
- COUNT 5: THEFT RECEIVING § 18-4-410 C.R.S. (Class 3 Felony)  
(Powell Jr.)
- COUNT 6: FIRST DEGREE AGGRAVATED MOTOR VEHICLE  
THEFT § 18-4-409 C.R.S. (Class 3 Felony)  
(Powell Jr.)
- COUNT 7: THEFT RECEIVING § 18-4-410 C.R.S. (Class 4 Felony)  
(Powell Jr. and Palmer)
- COUNT 8: FIRST DEGREE AGGRAVATED MOTOR VEHICLE  
THEFT § 18-4-409 C.R.S. (Class 4 Felony)  
(Powell Jr. and Palmer)
- COUNT 9: THEFT RECEIVING § 18-4-410 C.R.S. (Class 3 Felony)  
(Bain, Powell, Heilman, and Powell Jr.)
- COUNT 10: FIRST DEGREE AGGRAVATED MOTOR VEHICLE  
THEFT § 18-4-409 C.R.S. (Class 4 Felony)  
(Bain, Powell, Heilman, and Powell Jr.)
- COUNT 11: FORGERY-GOVERNMENT ISSUED DOCUMENT  
§ 18-5-102 C.R.S. (Class 5 Felony) (Powell)
- COUNT 12: ATTEMPT TO INFLUENCE A PUBLIC SERVANT  
§ 18-8-306 C.R.S. (Class 4 Felony) (Powell)
- COUNT 13: THEFT RECEIVING § 18-4-410 C.R.S. (Class 3 Felony)  
(Bain)

- COUNT 14: THEFT RECEIVING § 18-4-410 C.R.S. (Class 4 Felony)  
(Bain)
- COUNT 15: THEFT RECEIVING § 18-4-410 C.R.S. (Class 3 Felony)  
(Bain and Powell)
- COUNT 16: THEFT RECEIVING § 18-4-410 C.R.S. (Class 3 Felony)  
(Bain and Powell Jr.)
- COUNT 17: SEVENTEEN: PERJURY IN THE FIRST DEGREE § 18-8-502 C.R.S. (Class 4 Felony) (Heilman)
- COUNT 18: FORGERY-GOVERNMENT ISSUED DOCUMENT  
§ 18-5-102 C.R.S. (Class 5 Felony) (Bain)
- COUNT 19: CONSPIRACY-FORGERY § 18-2-201 C.R.S.  
(Class 5 Felony) (Bain)
- COUNT 20: THEFT RECEIVING § 18-4-410 C.R.S. (Class 3 Felony)  
(Powell)
- COUNT 21: POSSESSION OF BURGLARY TOOLS § 18-4-205  
C.R.S. (Class 5 Felony) (Powell)
- COUNT 22: CRIMINAL IMPERSONATION § 18-5-113 C.R.S.  
(Class 6 Felony) (Powell)
- COUNT 23: ATTEMPT TO INFLUENCE A PUBLIC SERVANT  
§ 18-8-306 C.R.S. (Class 4 Felony) (Powell)
- COUNT 24: POSSESSION OF BURGLARY TOOLS § 18-4-205  
C.R.S. (Class 5 Felony) (Powell)
- COUNT 25: VIOLATION OF THE COLORADO ORGANIZED CRIME  
CONTROL ACT- CONDUCTING AN ENTERPRISE  
THROUGH A PATTERN OF RACKETEERING ACTIVITY  
§ 18-17-104(3) C.R.S. (Class 2 Felony) (Bain, Powell, Heilman  
and Powell Jr.)

STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

Of the 2005-2006 term of the Denver District Court in the year of 2006, the 2005-2006 State Grand Jurors, chosen, selected and sworn in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following:

## Introduction

On OR ABOUT August 12, 2004, Vance W. Bain, along with his girlfriend Fredda A. Powell, his brother Tracey Bain and cousin Allan Redfern, and Scott Turner traveled to Sturgis, South Dakota, for the annual motorcycle rally. The motorcycles being driven by the Bains and Redfern had been stolen from the Denver metropolitan area. The motorcycle being driven by Scott Turner contained an engine and transmission from a stolen motorcycle. On August 13, 2004, the group parked their stolen motorcycles in front of the Sturgis Police station, and because of the obvious alterations of the vehicle identification numbers, the bikes attracted the attention members of a multi-jurisdictional police task force. Vance and Tracey Bain, Allan Redfern and Scott turner were arrested for possession of the stolen motorcycles and parts. Following their arrest, the investigation resulting in this indictment began.

**COUNT ONE**  
(Theft-Receiving)

On July 7, 2004 to and including August 19, 2004, in the State of Colorado, VANCE W. BAIN and FREDERICK N. POWELL JR., did unlawfully, knowingly and feloniously receive, retain, or dispose of a thing of value, to wit: a 1979 Harley Davidson motorcycle, knowing or believing said thing of value had been stolen, and intending to deprive the lawful owner, Del Waller, permanently of the use and benefit of the thing of value, the value of the motor cycle was five hundred dollars or more, but less than fifteen thousand dollars; contrary to § 18-4-410 C.R.S., and against the peace and dignity of the People of the State of Colorado.

## **COUNT TWO**

(First Degree Aggravated Motor Vehicle Theft)

On July 7, 2004 to and including August 19, 2004, in the State of Colorado, VANCE W. BAIN and FREDERICK N. POWELL JR., did unlawfully and knowingly and feloniously obtain or exercise control over the motor vehicle of Del Waller, without authorization, or by threat or deception, and did cause five hundred dollars or more of property damage, including but not limited to the motor vehicle involved, in the exercise of control of the motor vehicle, the value of the motor cycle was five hundred dollars or more, but less than fifteen thousand dollars; contrary to § 18-4-409 C.R.S., and against the peace and dignity of the People of the State of Colorado.

## **COUNT THREE**

(Theft-Receiving)

On July 17, 2004, to and including August 19, 2005, but within the statute of limitations, in the State of Colorado, VANCE W. BAIN and FREDERICK N. POWELL JR., did unlawfully, knowingly and feloniously receive, retain, or dispose of a thing of value, to wit: a 2001 Harley Davidson motorcycle, knowing or believing said thing of value had been stolen, and intending to deprive the lawful owner, Matthew Brown, permanently of the use and benefit of the thing of value, the value of the motor cycle was fifteen thousand dollars or more; contrary to § 18-4-410 C.R.S., and against the peace and dignity of the People of the State of Colorado.

## **COUNT FOUR**

(First Degree Aggravated Motor Vehicle Theft)

On July 17, 2004 to and including August 19, 2004, in the State of Colorado, VANCE W. BAIN and FREDERICK N. POWELL JR., did unlawfully and knowingly and feloniously obtain or exercise control over the motor vehicle of Matthew Brown, without authorization, or by threat or deception, and did cause five hundred dollars or more of property damage, including but not limited to the motor vehicle involved, in the exercise of control of the motor vehicle, the value of the motor cycle was fifteen thousand dollars or more; contrary to § 18-4-409 C.R.S., and against the peace and dignity of the People of the State of Colorado.

**COUNT FIVE**  
(Theft-Receiving)

On April 13, 2004, to and including August 20, 2004, but within the statute of limitations, in the State of Colorado, FREDERICK N. POWELL JR., did unlawfully, knowingly and feloniously receive, retain, or dispose of a thing of value, to wit: a 2001 Harley Davidson motorcycle, knowing or believing said thing of value had been stolen, and intending to deprive the lawful owner, Debra Ross, permanently of the use and benefit of the thing of value, the value of the motor cycle was fifteen thousand dollars or more; contrary to § 18-4-410 C.R.S., and against the peace and dignity of the People of the State of Colorado.

**COUNT SIX**  
(First Degree Aggravated Motor Vehicle Theft)

On April 13, 2004 to and including August 20, 2004, in the State of Colorado, FREDERICK N. POWELL JR., did unlawfully and knowingly and feloniously obtain or exercise control over the motor vehicle of Debra Ross, without authorization, or by threat or deception, and did cause five hundred dollars or more of property damage, including but not limited to the motor vehicle involved, in the exercise of control of the motor vehicle, the value of the motor cycle was fifteen thousand dollars or more; contrary to § 18-4-409 C.R.S., and against the peace and dignity of the People of the State of Colorado.

**COUNT SEVEN**  
(Theft-Receiving)

On July 7, 2004 to and including August 19, 2004, in the State of Colorado, FREDERICK N. POWELL JR. and ROBERT PALMER, did unlawfully, knowingly and feloniously receive, retain, or dispose of a thing of value, to wit: a 1980 Harley Davidson motorcycle, knowing or believing said thing of value had been stolen, and intending to deprive the lawful owner, Michael Covarrubias, permanently of the use and benefit of the thing of value, the value of the motor cycle was five hundred dollars or more, but less than fifteen thousand dollars; contrary to § 18-4-410 C.R.S., and against the peace and dignity of the People of the State of Colorado.

## **COUNT EIGHT**

(First Degree Aggravated Motor Vehicle Theft)

On July 7, 2004 to and including August 19, 2004, in the State of Colorado, FREDERICK N. POWELL JR. and ROBERT PALMER, did unlawfully and knowingly and feloniously obtain or exercise control over the motor vehicle of Michael Covarrubias, without authorization, or by threat or deception, and did cause five hundred dollars or more of property damage, including but not limited to the motor vehicle involved, in the exercise of control of the motor vehicle, the value of the motor cycle was five hundred dollars or more, but less than fifteen thousand dollars; contrary to § 18-4-409 C.R.S., and against the peace and dignity of the People of the State of Colorado.

The offenses described in counts One through Eight were committed in the following manner:

1. On July 7, 2004, Del Waller discovered that his 1979 Harley-Davidson FX motorcycle, VIN 5E34366H9, which had been parked in the parking lot of his residence at 12100 Huron St., in the City of Westminster, Adams County, Colorado was stolen. The motorcycle, with a value of \$8,000, had been chained, and the steering mechanism locked. Waller gave no one permission to take the motorcycle.

2. On July 17, 2004, at 1:30 a.m., Matthew Brown checked on his 2001 Harley-Davidson FXD Wide Glide motorcycle, VIN 1HD1PBV181Y950007, which was parked behind his residence at 5400 Sheridan Blvd., in the City of Arvada, Adams County, Colorado. At 6:30 a.m. the same day, as Mr. Brown was preparing to go to work, he discovered the motorcycle, with a value of \$20,000 had been stolen. Mr. Brown gave no one permission to take the vehicle.

3. On April 12, 2004, Debra Ross reported that her 2000 Harley-Davidson motorcycle, VIN 1HD4CEM19YK118796, was stolen from 5729 W. 92<sup>nd</sup> Ave., Westminster, Jefferson County, Colorado. The vehicle had a value of \$17,000.

4. On July 15, 2004, Michael Covarrubias reported that his 1980 Harley-Davidson shovel-head motorcycle, VIN 9G25629J0, was stolen earlier that day from the parking lot in the 3700 block of Winona St., in the City and County of Denver, Colorado. The vehicle had a value of \$7,070.

5. On August 19, 2004, police officers from the Commerce City Police Department and other agencies, obtained consent to search a trailer which was parked at the residence of Vance W. Bain and Fredda A. Powell, at 7581 Krameria St, Commerce City, Adams County, Colorado. In the trailer, the officers found the engine to Dell Waller's motorcycle, still attached to the part of the frame which had been cut away from

the whole frame. The second engine found in the trailer belonged to the motorcycle stolen from Matthew Brown.

6. On August 20, 2004, police officers from the Commerce City Police Department and from other agencies, obtained a consent to search at 6141 E. 72<sup>nd</sup> Pl, from the owner, Frederick Powell Sr. Recovered there were the front forks from Debra Ross' stolen motorcycle; the front forks from Michael Covarrubias's stolen motorcycle; the front forks from Dell Waller's stolen motorcycle; the front forks from Mikell Yamata's stolen motorcycle; and a Harley-Davidson crankcase with an altered VIN.

7. In July, 2004, Ernest Turner wanted to attend the motorcycle rally at Sturgis, South Dakota with Vance Bain, Fredda Powell and others, but his motorcycle was inoperative. Turner arranged with Robert "Bubba" Palmer to borrow a Harley-Davidson engine and transmission so that he could go. Palmer and Frederick Powell Jr. delivered the engine and transmission to Turner. The engine and transmission were from Covarrubias's motorcycle. Turner was apprehended in Sturgis with the stolen engine and transmission on his vehicle.

**COUNT NINE**  
(Theft-Receiving)

Between May 14, 2004 to and including June 1, 2004, in the State of Colorado, FREDERICK POWELL JR., VANCE W. BAIN, RICHARD HEILMAN, and FREDDA A. POWELL, did unlawfully, knowingly and feloniously receive, retain, or dispose of a thing of value, to wit: a 2001 Harley Davidson motorcycle, knowing or believing said thing of value had been stolen, and intending to deprive the lawful owner, Lance Alexander, permanently of the use and benefit of the thing of value, the value of the motor cycle was fifteen thousand dollars or more; contrary to § 18-4-410 C.R.S., and against the peace and dignity of the People of the State of Colorado.

**COUNT TEN**  
(First Degree Aggravated Motor Vehicle Theft)

On July 7, 2004 to and including August 19, 2004, in the State of Colorado, FREDERICK N. POWELL JR., VANCE W. BAIN, RICHARD HEILMAN and FREDDA A. POEWLL, did unlawfully and knowingly and feloniously obtain or exercise control over the motor vehicle of Lance Alexander, without authorization, or by threat or deception, and did attempt to alter or remove, or did alter and remove the vehicle identification number of the motor vehicle, and did unlawfully attach or otherwise display in or upon the motor vehicle license plates other than those officially issued for the motor vehicle, and the value of the motor cycle was fifteen thousand dollars, or more; contrary to § 18-4-409 C.R.S., and against the peace and dignity of the People of the State of Colorado.

### **COUNT ELEVEN**

(Forgery-Government Issued Document)

On June 1, 2004, in the State of Colorado, FREDDA A. POWELL with the intent to defraud the State of Colorado and the Commerce City Police Department, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which was purported to be, or which was calculated to become or to represent if completed, a written instrument, namely: an Application for a Colorado Motor Vehicle Title, officially issued or created by the Colorado Division of Motor Vehicles, a public office, public servant, or government agency; in violation of § 18-5-102(1)(e), C.R.S., and against the peace and dignity of the People of the State of Colorado.

### **COUNT TWELVE**

(Attempt to Influence a Public Servant)

On June 1, 2004, in the State of Colorado, FREDDA A. POWELL, did unlawfully attempt to influence a public servant, to wit: Cindy Pino, by means of deceit, with the intent to thereby alter or affect said public servant's decision, or action concerning a matter which was to be considered or performed by said public servant, or by the agency or body of which he is a member, contrary to § 18-8-306 C.R.S., and against the Peace and dignity of the People of the State of Colorado.

The offenses described in counts Nine through Twelve were committed in the following manner:

8. On May 14, 2004, Lance Alexander discovered that his 2001 Harley-Davidson "Night Train" motorcycle, VIN 1HD1JAB121Y076284, had been stolen from 9725 E. Hampden Ave, in the City and County of Denver, Colorado. The vehicle had a value of \$16,500. Alexander gave no one permission to take his motorcycle.

9. On May 31, 2004, a male driving what appears to be a 1972 Harley-Davidson motorcycle is involved in a hit and run accident in the 6600 block of Monaco, Commerce City, Adams County, Colorado. The motorcycle suffered front-end damage, and was impounded by the police. The license plate on the vehicle listed to a Suzuki motorcycle, but the apparent VIN on the motorcycle's frame forks, 4A15577H2, listed to a 1972 Harley-Davidson motorcycle registered to Frederick Powell Jr. The component numbers on the transmission #01156306 and engine # JAB1076284 did not match the VIN on the frame. The component part numbers

reveal the correct VIN for the motorcycle should have been 1HD1JAB1214076284, which is a 2001 Harley Davidson Springer, soft-tail night-train edition, stolen out of Denver from Lance Alexander.

10. The next day, June 1, 2004, Fredda A. Powell filled out an application for a title to the motorcycle from the Division of Motor Vehicles, indicating that she purchased the vehicle from her brother, Frederick Powell Jr., on May 25, 2004 for \$500.00, and consequently obtained a registration for the motorcycle in her name. She came to the Commerce City Police Department, and presented the registration to Cindy Pino, an employee of the Commerce City Police Department, as proof of ownership of the motorcycle. Based upon the presentation of the vehicle registration, Ms. Pino released the motorcycle to Ms. Powell. Ms. Powell got the vehicle from the impound lot.

11. Later that day, Officer Daryl Smith, hearing that the motorcycle had been released, was still concerned about the altered VIN on the motorcycle was altered, and it should not have been released without the bike and parts being properly identified, and ownership determined. He went to Powell's residence at 7165 Poplar St. in Commerce City, and when he arrived at the residence, he saw people working on the motorcycle, including Richard Heilman. The motorcycle had been completely repaired just hours after Ms. Powell retrieved it from the pound. Fredda Powell told the officer that she bought that motorcycle on May 25, 2004 from her brother. Officer Smith re-impounded the vehicle and further inspection of the motorcycle confirmed that the motorcycle was the one stolen from Lance Alexander on May 14, 2004.

12. According to witnesses, Frederick Powell Jr. was operating a "chop shop" at his father's residence at 6141 E. 72<sup>nd</sup> Pl., Commerce City, Adams County, Colorado. Vance Bain and Frederick Powell Jr. stamped the vehicle identification numbers on Lance Alexander's stolen motorcycle in an attempt to disguise its true identity.

### **COUNT THIRTEEN**

(Theft-Receiving)

On July 6, 2004 to and including August 1, 2004, in the State of Colorado, VANCE W. BAIN, did unlawfully, knowingly and feloniously receive, retain, or dispose of a thing of value, to wit: a 2003 Harley-Davidson FXR motorcycle, knowing or believing said thing of value had been stolen, and intending to deprive the lawful owner, William Fowler, permanently of the use and benefit of the thing of value, the value of the motor cycle was fifteen thousand dollars or more; contrary to § 18-4-410 C.R.S., and against the peace and dignity of the People of the State of Colorado.

The offense described in Count Thirteen was committed in the following manner:

13. On July 6, 2004, William Fowler reported that on that day, his 2003 Harley-Davidson FXD motorcycle, VIN 1HD1GEV123K327750, was stolen from the parking lot at the Residence Inn at 7050 W. Hampden Ave., Lakewood, Jefferson County, Colorado. The motorcycle had a value of \$17,000.

12. On August 1, 2004, Michael Carroll was stopped by the Commerce City police driving a motorcycle containing parts from Fowlers stolen Harley-Davidson. According to Carroll, he borrowed the motorcycle from Vance Bain to give a friend a ride home.

**COUNT FOURTEEN**  
(Theft-Receiving)

On May 13, 2004 to and including May 31, 2004, but within the statute of limitations, in the State of Colorado, VANCE W. BAIN, did unlawfully, knowingly and feloniously receive, retain, or dispose of a thing of value, to wit: a 2002 Harley Davidson motorcycle, knowing or believing said thing of value had been stolen, and intending to deprive the lawful owner, Alejandro Andaluz, permanently of the use and benefit of the thing of value, the value of the motor cycle was five hundred dollars or more, but less than fifteen thousand dollars; contrary to § 18-4-410 C.R.S., and against the peace and dignity of the People of the State of Colorado.

The offense described in count Fourteen was committed in the following manner:

13. On May 13, 2004, Alejandro Andaluz' 2002 Harley-Davidson motorcycle, VIN 1HD1GHV142Y309957, was stolen from the parking lot of the apartment complex at 10555 W. Jewell, Lakewood, Jefferson County, Colorado. The vehicle had a value of \$13,000.

14. On May 31, 2004, Scott Strohman was stopped on Andaluz' 2002 Harley-Davidson after leading the police on a multi-jurisdictional chase beginning in Adams County, Colorado, and ending in Jefferson County, Colorado. Strohman got the vehicle from Vance Bain. A different VIN had been stamped on the frame than the original VIN.

### **COUNT FIFTEEN**

(Theft-Receiving)

Between July 28, 2004, to and including August 23, 2004, in the State of Colorado, VANCE W. BAIN, FREDDA A. POWELL, and RICHARD HEILMAN, did unlawfully, knowingly and feloniously receive, retain, or dispose of a thing of value, to wit: a 2004 Ford F-250 motor vehicle, jewelry, cash, U-Haul trailer, and personal household furniture and other items, knowing or believing said thing of value had been stolen, and intending to deprive the lawful owners, Richard and Cindy Standfest, permanently of the use and benefit of the thing of value, the value of the motor vehicle, trailer, cash, jewelry and personal possessions was fifteen thousand dollars or more; contrary to § 18-4-410 C.R.S., and against the peace and dignity of the People of the State of Colorado.

### **COUNT SIXTEEN**

(Conspiracy – Theft Receiving)

Between July 28, 2004, to and including August 23, 2004, in the State of Colorado, VANCE W. BAIN, FREDDA A. POWELL, and RICHARD HEILMAN, with the intent to promote or facilitate the crime of theft-receiving as defined in § 18-4-410 C.R.S., did unlawfully agree with each other, or with some other person or persons to the People unknown, that one or more of them would engage in conduct which constitutes said crime or an attempt to commit said crime, or did agree to aid each other of such other person or persons in the planning or commission or attempted commission of said crime, and an overt act in pursuance of such conspiracy was committed by one or more of the conspirators, in violation of §§ 18-2-201, 18-4-410, C.R.S. and against the peace and dignity of the People of the State of Colorado.

### **COUNT SEVENTEEN**

(First Degree Perjury)

On March 17, 2006, in the State of Colorado, RICHARD HEILMAN, did unlawfully, feloniously and knowingly make a materially false statement, to wit (in substance): that he had noting to do with the theft or Richard and Cindy Standfest's truck and its contents, and the U-Haul trailer and its contents, in an official proceeding, to wit: a state grand jury investigation, of the 2005-2006 State Grand Jury, 05CR9001, which he did not believe to be true, and which was made under an oath required or authorized by law, contrary to § 18-8-502 C.R.S., and against the peace and dignity of the People of the State of Colorado.

The offenses described in Count Fifteen through Seventeen were committed in the following manner:

15. On July, 2004, Richard and Cindy Standfest were moving to Texas in their 2004 Ford F-250 pickup truck, VIN1FTNWZ1P64EB60310, having a value of more than \$50,000, with a U-Haul trailer full of furniture and other personal property with a value of \$60,000. In the truck was a safe with \$20,000 in cash and \$30,000 in jewelry. The Standfest decided to spend the night at a Motel located at 7201 E. 36<sup>th</sup>, in the City and County of Denver, Colorado. There, the truck and trailer and all of its contents were stolen.

16. Just before the Sturgis rally in August of 2004, the truck, trailer and contents were brought to Vance Bain and Fredda Powell's residence at 7581 Krameria St, Commerce City, Adams County, Colorado by Richard Heilman and Tyson Reed. There, Bain, Fredda Powell, and others, including Richard Heilman's girlfriend Tracy Trujillo, rifled through the truck and trailer and took what they wanted. Heilman was told to wash down the truck and trailer and get rid of it.

17. On March 17, 2006 before the state grand jury for the 2005-term, at the courthouse in the City and County of Denver, Colorado, Richard Heilman was called as a witness and duly sworn to tell the truth. He denied having any involvement with the stolen truck or U-Haul, or being Vance Bain and Fredda Powell's residence. The following colloquy was had between the prosecutor and Richard Heilman:

Mr. Gillespie: Okay. I want to turn your attention to 2004. Mr. Heilman, were you aware of a U-Haul trailer and truck that was stolen that was on Vance Bain's property?

A: I heard about it, yes, sir.

Q: All right. How had you heard about it?

A: From quite a few people. Vance told them.

Q: Okay. What did Vance tell you about it?

A: He didn't tell me too much. He just told me it was none of my business.

Q: All right. And did you get any of the property out of that?

A: He offered to give me some, but I didn't want none of it.

Q: Okay. Do you know who stole that?

A: No. I don't. (Transcript, March 17, 2006, p. 65)

Mr. Gillespie: Okay. If somebody had said that you and Tyson Red had stolen a truck that was full of money and with the U-Haul, would they be telling the truth?

A: No. No, they wouldn't.

Q: Did Vance Bain tell you to take a truck and trailer and clean it up?

A: No. I didn't have nothing to do with it at all. (Transcript, March 17, 2006, p. 68)

### **COUNT EIGHTEEN**

(Forgery-Government Issued Document)

On and before August 31, 2004, but within the statute of limitations, in the State of Colorado, VANCE W. BAIN with the intent to defraud the State of Colorado, unlawfully, feloniously, and falsely made, completed, altered, or uttered a written instrument which was or which was purported to be, or which was calculated to become or to represent if completed, a written instrument, namely: a Colorado Identification Card, officially issued or created by the Colorado Division of Motor Vehicles, a public office, public servant, or government agency; in violation of § 18-5-102(1)(e), C.R.S., and against the peace and dignity of the People of the State of Colorado.

### **COUNT NINETEEN**

(Conspiracy - Forgery)

On and before August 31, 2004, but within the statute of limitations, in the State of Colorado, VANCE W. BAIN, with the intent to promote or facilitate the crime of forgery of a Colorado Identification Card, as defined in § 18-5-102 C.R.S., did unlawfully agree with some other person or persons to the People known and unknown, that one or more of them would engage in conduct which constitutes said crime or an attempt to commit said crime, or did agree to aid each other of such other person or persons in the planning or commission or attempted commission of said crime, and an overt act in pursuance of such conspiracy was committed by one or more of the conspirators, in violation of §§ 18-2-201, 18-5-102, C.R.S. and against the peace and dignity of the People of the State of Colorado.

The offenses described in counts Eighteen and Nineteen were committed in the following manner:

18. In the month of August, 2004, Vance Bain was on bond awaiting disposition of charges against him for the possession of two stolen motorcycles that he claimed

responsibility for bringing to the annual motorcycle rally in Sturgis, South Dakota. While living in Adams County, Colorado, that month, he was considering absconding on the charges and bond. Consequently, he asked Stacey Bowen, to make a false ID for him in the name of his cousin, Lyle Engles. Bowen complied and made the ID however, because she could not get the quality she thought she needed, it was never delivered to Bain.

**COUNT TWENTY**  
(Theft-Receiving)

On January 6, 2006 to and including January 18, 2006, in the State of Colorado, FREDDA A. POWELL, did unlawfully, knowingly and feloniously receive, retain, or dispose of a thing of value, to wit: a 1991 Toyota Camry, knowing or believing said thing of value had been stolen, and intending to deprive the lawful owner, Jody Clapper, permanently of the use and benefit of the thing of value, the value of the vehicle was five hundred dollars or more, but less than fifteen thousand dollars; contrary to § 18-4-410 C.R.S., and against the peace and dignity of the People of the State of Colorado.

**COUNT TWENTY-ONE**  
(Possession of Burglary Tools)

On January 18, 2006, in the State of Colorado, FREDDA A. POWELL, did unlawfully possess tools, instruments or other articles, to wit: a shaved Honda Acura key and lock-picks, adapted, designed and commonly used for committing or facilitating the commission of an offense involving forcible entry into premises or theft by a physical taking, and did intend to use the thing possessed in the commission of such an offense, contrary to § 18-4-205 C.R.S., and against the peace and dignity of the People of the State of Colorado.

The offenses described in counts Twenty and Twenty-One were committed in the following manner:

19. On January 6, 2006, Jody Clapper's 1991 Toyota Camry automobile was stolen from the parking lot of the 7-11 store located at 92<sup>nd</sup> Ave. and Federal Boulevard, in the City of Westminster, Adams County, Colorado. Ms. Clapper left the car running while she went into the store, and when she returned, the vehicle with a value of \$8,000 was gone.

20. On January 18, 2006, Officer Jason Gilmore of the Commerce City Police Department was traveling northbound on Highway 2, in Commerce City, Adams County, Colorado. He observed a white Toyota Camry pull out of the parking lot of the Snowy Range Motel located at 6950 Highway 2, at a high rate of speed and the driver failed to signal. Officer Gilmore did a u-turn to follow the Camry. As soon

as the driver of the Camry saw Off. Gilmore make the u-turn, he did an immediate left, then an immediate right as if eluding Officer Gilmore. Finally, Officer Gilmore was able to stop the Camry after the driver ran a stop sign at 68<sup>th</sup> Way and Kearney St., in Commerce City.

21. Officer Gilmore identified the driver as David Jacobs, and asked for the registration to the vehicle. Since Jacobs could not produce the registration, Officer Gilmore ran the VIN and found the vehicle to be Jody Clapper's stolen Camry. Officer Gilmore recognized Fredda A. Powell as the person in the passenger seat. On the floor in front of her were a screwdriver, a set of lock-picks and a shaved Honda Acura key. The lock-picks and shaved automobile keys can be, and are, used to steal automobiles.

**COUNT TWENTY-TWO**  
(Criminal Impersonation)

On September 21, 2005, in the State of Colorado, FREDDA A. POWELL, did unlawfully and knowingly aid and abet Patrick Riley in assuming a false or fictitious identity, to wit: Sandon Engle, and in such false or fictitious identity did an act with intent to unlawfully gain a benefit for Patrick Riley or to defraud another, contrary to § 18-5-113 C.R.S., and against the peace and dignity of the People of the State of Colorado.

**COUNT TWENTY-THREE**  
(Attempt to Influence a Public Servant)

On September 21, 2005, in the State of Colorado, FREDDA A. POWELL, did unlawfully attempt to influence a public servant, to wit: Officer Jason Gilmore, by means of deceit, with the intent to thereby alter or affect said public servant's decision, or action concerning a matter which was to be considered or performed by said public servant, or by the agency or body of which he is a member, contrary to § 18-8-306 C.R.S., and against the Peace and dignity of the People of the State of Colorado.

**COUNT TWENTY-FOUR**  
(Possession of Burglary Tools)

On September 21, 2005, in the State of Colorado, FREDDA A. POWELL, did unlawfully possess a tool, instrument or other article, to wit: lock picks, adapted, designed and commonly used for committing or facilitating the commission of an offense involving forcible entry into premises or theft by a physical taking, and did intend to use

the thing possessed in the commission of such an offense, contrary to § 18-4-205 C.R.S., and against the peace and dignity of the People of the State of Colorado.

The offenses described in counts Twenty-Two through Twenty-Four were committed in the following manner:

22. On September 21, 2005, at approximately 10:36 p.m., Officer Jason Gilmore of the Commerce City Police Department noticed a red Dodge Neon parked in a dark area of the south parking lot of the Aspen Mortuary in the 7300 block of Magnolia St., in Commerce City, Adams County, Colorado.. The vehicle's lights were off, and it had out-of-state license plates. There were two individuals in the vehicle. Since this considered a high crime area in Commerce City, Officer Gilmore contacted the driver of the vehicle who gave his name as "Sandon Engle". In the back seat, on the passenger side sat Fredda A. Powell. The driver told Officer Gilmore that he had lost his identification card at a truck stop in Utah.. Officer Gilmore then had them both leave the vehicle. He asked Ms. Powell who the driver was, and she told him that she had known the driver for a long time and that his name was "Sandon Engle". Officer Gilmore obtained permission from the driver to look in the vehicle for anything illegal or with his name on it. Officer Rentfrow of the Commerce City Police Department joined Officer Gilmore at the scene, and while looking through the vehicle, discovered paperwork in the name of Patrick Riley, as well as credit cards and identification cards in other people's names. Officer Gilmore again asked Fredda Powell what the drivers name was, and she admitted it was Patrick Riley. She told Officer Gilmore that when he approached the vehicle, Riley told her to tell the police that he was Sandon Engle, because he warrants for his arrest.

23. Next to Fredda Powell in the back of the car were burglary tools, including a set of lock picks.

#### **COUNT TWENTY-FIVE**

(Conducting an Enterprise Through a Pattern of Racketeering Activity)

Between June 21, 2004 to and including January 18, 2006, in the State of Colorado, VANCE W. BAIN, FREDERICK N. POWELL JR., RICHARD HEILMAN, and FREDDA A. POWELL, were associated in fact, but not as a legal entity with an enterprise to wit: a group of individuals associated for the purpose of committing crimes such as theft receiving, aggravated motor vehicle theft, forgery, criminal impersonation, and attempt to influence a public servant, contrary to the form of the statute in such case made and provided, § 18-17-104(3) C.R.S., the Colorado Organized Crime Control Act- Conducting an Enterprise Through a Pattern of Racketeering Activity, (Class 2 Felony), and against the peace and dignity of the People of the State of Colorado.

The offense described in count number Twenty-Five was committed in the following manner:

The Enterprise

24. At all times material to this indictment, Vance W. Bain and Fredda A. Powell were acquainted and/or involved in an intimate relationship, variously holding themselves out to be boyfriend-girlfriend, husband and wife, or friends. Bain and Fredda Powell lived together at the Eagle Cliff Apartments at 7160 Poplar St, Commerce City, Adams County, Colorado, then moved to 7581 Krameria St., also in Commerce City. Frederick N. Powell Jr. is Fredda A. Powell's brother, and the son of Frederick N. Powell. Frederick N. Powell Jr. lived in a trailer on his father's property at 6141 E. 74<sup>th</sup> Pl, in Commerce City, Adams County, Colorado.

25. Bain was involved in the trafficking in stolen motor vehicles, including Harley-Davidson motorcycles. Frederick Powell was operating a "chop shop" (i.e. an operation that dismantles stolen vehicles for the re-distribution of parts for their own benefit) on his father's property on 74<sup>th</sup> Pl, in Commerce City, Adams County, Colorado.. At times, Bain and Frederick Powell Jr. worked together in "chopping" vehicles. Fredda Powell assisted Bain, her brother Frederick Powell Jr., and others in receiving stolen vehicles and other property. Richard Heilman was involved with the Powells and Bain in receiving stolen motorcycles and other stolen property and lied to the grand jury about his and others' involvement with the Standfest property at Bain and Powell's residence on Krameria Street.

Pattern of Racketeering Activity

26. Vance W. Bain, Fredda A. Powell, Frederick N. Powell Jr., and Richard Heilman committed the following offenses related to the conduct of the enterprise:

- § 18-4-410 C.R.S. (Theft Receiving)
- § 18-5-102 C.R.S. (Forgery)
- § 18-5-113 C.R.S. (Criminal Impersonation)
- § 18-8-306 C.R.S. (Attempt to Influence a Public Servant)

27. The following predicate acts constitute the pattern of racketeering activity underlying the charges in count Twenty-Five:

**Predicate Act One**

The allegation contained in Count One, Theft Receiving, and the factual recitations related thereto is hereby incorporated as Predicate Act One.

**Predicate Act Two**

The allegation contained in Count Two, First Degree Aggravated Motor Vehicle Theft, and the factual recitations related thereto are hereby incorporated as Predicate Act Two.

**Predicate Act Three**

The allegation contained in Count Three, Theft-Receiving, and the factual recitations related thereto are hereby incorporated as Predicate Act Three.

**Predicate Act Four**

The allegation contained in Count Four, First Degree Motor Vehicle Theft, and the factual recitations related thereto are hereby incorporated as Predicate Act Four

**Predicate Act Five**

The allegations contained in Count Five, Theft-Receiving, and the factual recitations related thereto are hereby incorporated as Predicate Act Five.

**Predicate Act Six**

The allegations contained in Count Six, First Degree Motor Vehicle Theft , and the factual recitations related thereto are hereby incorporated as Predicate Act Six.

**Predicate Act Seven**

The allegations contained in Count Seven, Theft-Receiving, and the factual recitations related thereto concerning Frederick N. Powell Jr., are hereby incorporated as Predicate Act Seven.

**Predicate Act Eight**

The allegations contained in Count Eight, First Degree Motor Vehicle Theft, and the factual recitations related thereto concerning Frederick N. Powell, are hereby incorporated as Predicate Act Eight.

**Predicate Act Nine**

The allegations contained in Count Nine, Theft Receiving, and the factual recitations related thereto are hereby incorporated as Predicate Act Nine.

**Predicate Act Ten**

The allegations contained in Count Ten, , First Degree Motor Vehicle Theft, and the factual recitations related thereto are hereby incorporated as Predicate Act Ten.

**Predicate Act Eleven**

The allegations contained in Count Eleven, Forgery, and the factual recitations related thereto are hereby incorporated as Predicate Act Eleven.

**Predicate Act Twelve**

The allegations contained in Count Twelve, Attempt to Influence A Public Servant, and the factual recitations related thereto are hereby incorporated as Predicate Act Twelve.

**Predicate Act Thirteen**

The allegations contained in Count Thirteen, Theft-Receiving, and the factual recitations related thereto are hereby incorporated as Predicate Act Thirteen.

**Predicate Act Fourteen**

The allegations contained in Count Fourteen, Theft Receiving, and the factual recitations related thereto are hereby incorporated as Predicate Act Fourteen.

**Predicate Act Fifteen**

The allegations contained in Count Fifteen, Theft Receiving, and the factual recitations related thereto are hereby incorporated as Predicate Act Fifteen.

**Predicate Act Sixteen**

The allegations contained in Count Sixteen, Conspiracy to Commit Theft receiving, and the factual recitations related thereto are hereby incorporated as Predicate Act Sixteen.

**Predicate Act Seventeen**

The allegations contained in Count Seventeen, First Degree Perjury, and the factual recitations related thereto are hereby incorporated as Predicate Act Seventeen.

**Predicate Act Eighteen**

The allegations contained in Count Eighteen, Forgery, and the factual recitations related thereto are hereby incorporated as Predicate Act Eighteen.

**Predicate Act Nineteen**

The allegations contained in Count Nineteen, Conspiracy to Commit Forgery, and the factual recitations related thereto are hereby incorporated as Predicate Act Nineteen.

**Predicate Act Twenty**

The allegations contained in Count Twenty, Theft Receiving, and the factual recitations related thereto are hereby incorporated as Predicate Act Twenty.

**Predicate Act Twenty-One**

The allegations contained in Count Twenty-Two, Criminal Impersonation, and the factual recitations related thereto are hereby incorporated as Predicate Act Twenty-One.

**Predicate Act Twenty-Two**

The allegations contained in Count Twenty-Three, Attempt to Influence a Public Servant, and the factual recitations related thereto are hereby incorporated as Predicate Act Twenty-Two.

**Predicate Act Twenty-Three (Bain)-Theft Receiving**

On May 21, 2004 Kirsti Karppanen reported that her 1992 Harley-Davidson FRXSC motorcycle was stolen from 721 Grant St., City and County of Denver, Colorado, sometime between May 17, 2004 at 1:00 p.m. and 8:00 p.m. on May 21, 2004. The motorcycle, VIN 1HD1EML19NY125555, had a value of \$12,000.

On July 7, 2004, Courtney Law reported that sometime between 7:00 a.m. June 30, 2004 and 11:pm July 6, 2004, her 2000 Harley-Davidson FXR motorcycle, VIN 1HD1EVL1XYY950837, was stolen from a friend's house at 2308 South St., Boulder, Boulder County, Colorado. The vehicle had a value of \$20,000.

On August 13, 2004, Vance W. Bain was arrested in Sturgis, South Dakota, for possession of the two vehicles. Bain told the police that he knew they were stolen, and he took responsibility for possession of both vehicles. He was charged and convicted of receiving the stolen motorcycles.

**Predicate Act Twenty-Four (Powell Jr.) Theft Receiving/First Degree Motor Vehicle Theft**

On June 10, 2004, Mikell Yamata reported to the Denver Police Department that sometime between 7:00 p.m. on June 9, 2004, and 7:00 a.m. on June 10, 2004, his 1984 Harley-Davidson FXWG motorcycle, VIN 1HD1BEK28EY064384, had been stolen from the parking lot of his apartment building at 70 Grant St., in the City and County of Denver, Colorado. The motorcycle had a value of \$10,500.

On July 23, 2004, Officer Rentfrow of the Commerce City Police Department stopped Frederick N. Powell Jr. driving a Harley-Davidson motorcycle with a license plate that listed to a 1990 Honda Motorcycle. Powell told Officer Rentfrow that he had just built the bike and he was test-driving it. A closer inspection of the vehicle revealed that frame contained an altered VIN, and the engine number had been obliterated, but the number on the transmission traced to Mikell Yamata's stolen motorcycle. Additionally, the forks on the motorcycle came from Matthew Brown's stolen motorcycle, the engine to which was recovered from Vance Bain and Fredda Powell's residence. The forks for Yamata's motorcycle were later recovered from Frederick Powell Sr.'s residence on August 20, 2004.

AS TO COUNT ONE  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT TWO  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT THREE  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT FOUR  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT FIVE  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT SIX  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT SEVEN  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT EIGHT  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT NINE  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT TEN  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT ELEVEN  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT TWELVE  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT THIRTEEN  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT FOURTEEN  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT FIFTEEN  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT SIXTEEN  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT SEVENTEEN  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT EIGHTEEN  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT NINETEEN  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT TWENTY  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT TWENTY ONE  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT TWENTY-TWO  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT TWENTY-THREE  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON

AS TO COUNT TWENTY-FOUR  
A TRUE BILL

A NO TRUE BILL

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FOREPERSON  
AS TO COUNT TWENTY-FIVE  
A TRUE BILL

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A NO TRUE BILL

I, \_\_\_\_\_, the Foreperson of the 2005-2006 State Grand Jury, do hereby swear and affirm that each and every True Bill returned in this indictment by the 2005-2006 State Grand Jury was arrived after deliberation and with the assent and agreement to the existence of probable cause by at least nine members of the 2005-2006 State Grand Jury. The Colorado State Grand Jury authorizes and instructs the Colorado Attorney General to return this indictment to open court with or without the presence of the foreman.

\_\_\_\_\_  
Foreperson

Subscribed and sworn to before me in the County of Denver, State of Colorado, this 12th day of May, 2006.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_  
  
JOHN W. SUTHERS  
Attorney General

\_\_\_\_\_  
TERRENCE A. GILLESPIE No. 09579  
Senior Assistant Attorney General  
Special Prosecution Unit  
Criminal Justice Section

The 2005-2006 Colorado State Grand Jury presents the within Indictment, and the same is hereby ORDERED FILED this 12<sup>th</sup> day of May, 2006.

Pursuant to § 13-73-107, C.R.S., the Court designates \_\_\_\_\_ County, Colorado as the county of venue for the purposes of trial.

**WARRANTS TO ISSUE**

BOND FOR VANCE BAIN SET AT \_\_\_\_\_

BOND FOR FREDDA A. POWELL SET AT \_\_\_\_\_

BOND FOR FREDERICK POWELL JR. SET AT \_\_\_\_\_

BOND FOR ROBERT PALMER SET AT \_\_\_\_\_

BOND FOR RICHARD HEILMAN SET AT \_\_\_\_\_

So ORDERED this 12th day of May, 2006.

\_\_\_\_\_  
CHIEF JUDGE DISTRICT COURT  
City and County of Denver  
State of Colorado